

HOUSE BILL 3238  
By Fowlkes

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 5, relative to hauling litter.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-503, is amended by deleting the section in its entirety and by substituting instead the following:

(a)

(1) Any motor vehicle which transports litter, as defined in § 39-14-501, or any material likely to fall or be blown off onto the highways, shall be required to have such material either in an enclosed space or fully covered by a tarpaulin.

(2) A motor vehicle that is a non-commercial, not-for-hire pickup truck shall be deemed to be in compliance with this section if the material on that truck is secured in such a way as to reasonably ensure it will not fall off the vehicle or be blown off the vehicle.

(3) Any motor vehicle having a gross weight of less than sixteen thousand pounds (16,000 lbs.) which is transporting litter to an energy recovery facility, as defined in § 68-211-501(2), shall be required to have such material in an enclosed space, unless it is a motor vehicle with a factory installed hydraulic lift system that lifts the entire bed of the truck.

(4) This section shall not apply to motor vehicles transporting recovered materials to a convenience center or scrap dealer for recycling.

(5) This section shall not apply to motor vehicles that transport crushed stone, fill dirt and rock, soil, bulk sand, coal, phosphate muck, asphalt, concrete, other building materials, forest products, unfinished lumber, agricultural lime, and which are loaded in compliance with the four inch (4") requirement of § 55-7-109.

This exemption shall not apply to any vehicle if a law enforcement officer sees any of the listed materials blowing off of the vehicle.

(b) A violation of this section is a Class B misdemeanor. In addition to any penalties applicable to a Class B misdemeanor, the court may in its discretion impose any of the penalties set forth in § 39-14-502(c) for a violation of this section.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it